

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

2005 DEC 13 P 12:03

ANGELA HOPKINS,
Plaintiff

v.

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON,
UNITED SERVICES AUTOMOBILE
ASSOCIATION, and USAA LONG-
TERM DISABILITY PLAN,
Defendants

CIVIL ACTION NO.
SA 05 CA 0348 XR

**PLAINTIFF'S DESIGNATION OF PROPOSED WITNESSES,
TESTIFYING EXPERTS AND TRIAL EXHIBITS**

NOW COMES Plaintiff Angela Hopkins and files this her Designation of Proposed Witnesses, Testifying Experts and Trial Exhibits.

1. Attached hereto as Exhibit "A" is a list of Plaintiff's proposed witnesses.
2. Attached hereto as Exhibit "B" is a list of Plaintiff's testifying experts.
3. Attached hereto as Exhibit "C" is a list of Plaintiff's proposed trial exhibits.

Plaintiff reserves the right to designate additional exhibits, fact witnesses and/or expert witnesses if revealed in future discovery of this matter.

Respectfully Submitted,

HARKINS, LATIMER, & DAHL, P.C.

405 N. St. Mary's Street, Suite 242

San Antonio, Texas 78205

(210) 527-0900 (telephone)

(210) 527-0901 (facsimile)

By: 

JEFFREY E. DAHL

State Bar No. 05310900

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded via certified mail, return receipt requested, regular mail, hand delivery or telecopier to:

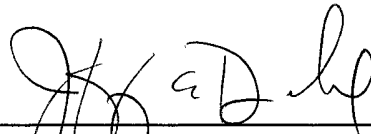
Jessica Spangler Taylor, Esq.

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

300 Convent Street, Suite 1500

San Antonio, Texas 78205

on this the 12 day of December, 2005.



JEFFREY E. DAHL

EXHIBIT "A"

PLAINTIFF'S PROPOSED WITNESSES

Other than deposition and/or live testimony from Jeff Weiss regarding whether the plan administrator followed the minimum full and fair review procedures required by 29 U.S.C. 1333 and the accompanying federal regulations and possible testimony regarding the explanation of medical terms, the remaining witnesses are expected to testify via their statements and opinions within the Administrative Record.

1. Angela Hopkins
5902 Heather View
San Antonio, Texas 78249
(210) 527-0900

She is the Plaintiff in this lawsuit.

2. John Hopkins
5902 Heather View
San Antonio, Texas 78249
(210) 527-0900

He is the husband of the Plaintiff Angela Hopkins.

3. Hope Andes
Disability Claims Sr. Case Manager I
Liberty Life Assurance Company of Boston
P.O. Box 37500
Phoenix, Arizona 85069-0000
(800) 320-7585

Ms. Andes issued the adverse benefit determination dated November 10, 2004. The adverse benefit determination is part of the administrative claim file.

4. Jeff Weiss
Plan Administrator
USAA Long-Term Disability Plan
9800 Fredericksburg Rd.
San Antonio, Texas 78288

Mr. Weiss issued the final adverse benefit determination dated April 12, 2005 in response to the Plaintiff's appeal. His adverse benefit determination is part of the administrative claim file.

5. Samuel R. Neeley, M.D.
Neurologist
4410 Medical Drive, #520
San Antonio, Texas 78229-6409
(210) 615-2320

Dr. Neely is one of the Plaintiff's treating physicians and his findings and opinions are within his medical records and narratives which are part of the administrative claim file.

6. Roland Casarez
Isaac Hernandez
HUB Enterprises, Inc.
P.O. Box 3162
Lafayette, Louisiana 70502
(800) 873-0933

Mr. Casarez and Mr. Hernandez are investigators that work for HUB Enterprises, Inc.. They conducted a video surveillance of the Plaintiff in the summer of 2004 at the request of Liberty Mutual. Their report is part of the administrative claim file.

7. Donald Bacon, M.D.
Consultants in Pain Management
1779 NE Loop 410, Suite 200
San Antonio, Texas 78217
(210) 805-9800

Dr. Bacon is one of the Plaintiff's treating physicians. He specializes in pain management. His findings and opinions are within his medical records and narratives which are part of the administrative claim file.

8. Jonathon P. Blucher
Administrative Law Judge
Social Security Administration
Office of Hearings and Appeals
Trinity Bldg., Suite 100
4204 Woodcock Drive
San Antonio, Texas 78228

Judge Blucher denied the Plaintiff's request for disability benefits from the Social Security Administration in 2000 and in the summer of 2002. His decisions are part of the administrative claim file.

9. Martin Keane
James McAuley

Doherty, Cella, Keane & Associates
1901 Penn Ave. NW. Suite 902
Washington D.C. 20006
(800) 683-2171

Mr. Keane and Mr. McAuley were hired by Liberty Mutual to represent the Plaintiff in her request for disability benefits from the Social Security Administration. Records of their representation of the Plaintiff are part of the administrative claim file.

10. Erich Dievendorf
Liberty Life Assurance Company of Boston
P.O. Box 37500
Phoenix, Arizona 85069-0000
(800) 320-7585

Mr. Dievendorf reviewed the Plaintiff's disability claim on behalf of Liberty Mutual. His review is part of the administrative claim file.

11. Jerome T. Washington, M.D.
7922 Ewing Halsell, Suite 160
San Antonio, Texas 78229

Dr. Washington was a treating physician of the Plaintiff. He is an OB/GYN. His records are part of the administrative claim file.

12. Sandy Hemmila
Disability Case Manager
Liberty Life Assurance Company of Boston
P.O. Box 37500
Phoenix, Arizona 85069-0000
(800) 320-7585

Ms. Hemmila reviewed the Plaintiff's disability claim on behalf of Liberty Mutual. Her review is part of the administrative claim file.

13. Laura Gelinas
Liberty Life Assurance Company of Boston
P.O. Box 37500
Phoenix, Arizona 85069-0000
(800) 320-7585

Ms. Gelinas appears to have been responsible for hiring and communicating with the lawyers that handled the Plaintiff's Social Security disability claim. The records of her communications and payments to the lawyers are part of the administrative claim file.

14. Suzanne Gazda, M.D.
Neurologist
Texas Neuro-Science Institute
4410 Medical Drive, Suite 540
San Antonio, Texas 78229
(210) 692-1245

Dr. Gazda conducted an IME (independent medical exam) of the Plaintiff at the request of Liberty Mutual in 1999. Her findings and opinions are contained within the administrative claim file.

15. Stephanie S. Nelson
Disability Case Manager
Liberty Life Assurance Company of Boston
P.O. Box 37500
Phoenix, Arizona 85069-0000
(800) 320-7585

Ms. Nelson reviewed the Plaintiff's disability claim on behalf of Liberty Mutual. Her review is part of the administrative claim file.

16. Donald Hilton, M.D.
Neurosurgical Associates of San Antonio, P.A.
4410 Medical Drive, Suite 610
San Antonio, Texas 78229
(210) 614-2453

Dr. Hilton performed brain surgery on the Plaintiff in December of 1998 as a result of two brain aneurysms. Records of his surgery and follow-up visits are contained within the administrative claim file.

17. Brenda Wilson
Disability Case Manager
Liberty Life Assurance Company of Boston
P.O. Box 37500
Phoenix, Arizona 85069-0000
(800) 320-7585

Ms. Wilson reviewed the Plaintiff's disability claim on behalf of Liberty Mutual. Her review is part of the administrative claim file.

18. Sandra McCleerey
Disability Case Manager
Liberty Life Assurance Company of Boston
P.O. Box 37500

Phoenix, Arizona 85069-0000
(800) 320-7585

Ms. McCleerey reviewed the Plaintiff's disability claim on behalf of Liberty Mutual. Her review is part of the administrative claim file.

19. J. Scott Luther, M.D.
4410 Medical Drive, Suite 240
San Antonio, Texas 78229-6415
(210) 615-8070

Dr. Luther specializes in the treatment of epilepsy, sleep disorders, and seizures disorders. He performed diagnostic studies in November of 2004 in attempts to ascertain nature and severity of the Plaintiff's seizures. The results of the diagnostic testing are part of the administrative claim file.

20. Sean G. Connolly, PhD
One Park Ten
6800 Park Ten Blvd., Suite 298 West
San Antonio, Texas 78213
(210) 737-2039

Dr. Connolly is a Psychologist who performed psychological and neuropsychological testing on the Plaintiff in December of 2004. The results of this testing are contained with the administrative claim file.

21. Kristin Jumper
Disability Case Manager
Liberty Life Assurance Company of Boston
P.O. Box 37500
Phoenix, Arizona 85069-0000
(800) 320-7585

Ms. Jumper reviewed the Plaintiff's disability claim on behalf of Liberty Mutual. Her review is part of the administrative claim file.

22. Fernando Aguirre, M.D.
9969 Fredericksburg Rd.
San Antonio, Texas 78240

Dr. Aguirre is a treating physician of the Plaintiff and his specialty is internal medicine. His records should be part of the administrative claim file.

23. Carol Vroman, M.Ed.
Vocational Case Manager

Liberty Life Assurance Company of Boston
P.O. Box 37500
Phoenix, Arizona 85069-0000
(800) 320-7585

Ms. Vroman performed a vocational assessment of the Plaintiff in the spring of 2001 which is part of the administrative claim file.

24. Gary Whiting, Ph.D.
1919 Oakwell Farms Parkway, Suite 270
San Antonio, Texas 78218
(210) 822-8832

Dr. Whiting is a treating psychologist of the Plaintiff. His records should be part of the administrative claim file.

25. Jorge Mendoza, M.D.
414 Navarro
San Antonio, Texas 78205
(210) 227-4263

Dr. Medoza treated the Plaintiff for her carpal tunnel syndrome. His records should be part of the administrative claim file.

26. Stephen Stratton, P.T.
Stratton Rehabilitation
1550 Northeast Loop 410
San Antonio, Texas 78217
(210) 828-7557

Mr. Stratton was the Plaintiff's physical therapist and helped with her pain management. His records should be part of the administrative claim file.

27. Douglas Marshall, M.D.

Dr. Marshall was a treating physician of the Plaintiff and his records should be part of the administrative claim file.

EXHIBIT "B"

PLAINTIFF'S TESTIFYING EXPERTS

Other than deposition and/or live testimony from Jeff Weiss regarding whether the plan administrator followed the minimum full and fair review procedures required by 29 U.S.C. 1333 and the accompanying federal regulations, testimony regarding attorney's fees from Jeffrey E. Dahl, and possible testimony regarding the explanation of medical terms, the remaining witnesses are expected to testify via their statements and opinions within the Administrative Record.

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16. Jeffrey E. Dahl
Harkins, Latimer & Dahl, P.C.
405 N. St. Mary's St., Suite 242
San Antonio, Texas 78205
(210) 527-0900

He is the Plaintiff's counsel and has knowledge regarding the attorney's fees incurred by the Plaintiff in prosecuting this matter.

PLAINTIFF'S PROPOSED EXHIBITS

Plaintiff's proposed exhibits are as follows, to wit:

- 1) Documents received from the Defendant,
Bates stamped USAA 00001-USAA 000747,
which appears to be a complete copy of
the Administrative Claim File.